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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,677	07/08/2003	Bradley J. Anderson	200300676-1	9829

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EXAMINER

BUI, LUAN KIM

ART UNIT PAPER NUMBER

3728

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

10/615,677

Applicant(s)

ANDERSON ET AL.

Examiner

Luan K Bui

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-8, 12, 32-35 and 43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-8, 12, 32-35 and 43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/3/04</u> . | 6) <input type="checkbox"/> Other: _____ |

Continued Prosecution Application

1. The Request for Continued Examination (RCE) filed on 5/19/2005 under 37 CFR 1.114 based on parent Application No. 10/615,677 is acceptable and a RCE has been established. An action on the RCE follows.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 6, 8, 12, 33, 35 and 43 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakamura (6,546,210). Nakamura discloses a packaged print medium in a media packaging wrapper (50) comprising a quantity of print medium/print media such as paper (1) and a print media wrapper/wrapping means having a first end (51), a second end (52) and a perforation/separating means (53) disposed between the first and second ends. The perforation is configured to split the media wrapper to separate the first and second ends. As to claims 6, 8, 12, 33 and 35, Nakamura further discloses a placement indicator (59) comprises a label and the placement indicator is inherently capable to indicate a preferred nap side of the print media (Figure 12). As to claim 43, Nakamura further discloses the wrapper (50f) is made of cardboard (other thick sheet, hard paper or the like) (column 16, lines 35-38).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-8, 12 and 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura (6,546,210) in view of Honma et al. (5,373,718; hereinafter Honma'718) and Rosenberg, Jr. et al. (3,767,188; hereinafter Rosenberg'188). Nakamura discloses the wrapper as above having all the limitations of the claims except for a pull-tab being configured to split the perforation and the pull-tab comprises an extruded portion of the wrapper. Honma'718 shows a package (10) containing an article (12) comprising a wrapper (11) having a severing tape (13) configured to split the wrapper and the severing tape including a pull-tab (16, 16a) comprises an extruded portion of the wrapper (Figures 3-4). Rosenberg'188 teaches a package (100) containing a quantity of print medium (S) comprising a wrapper (10, 11) having a perforation (50-52) configured to split the wrapper and the perforation including a pull-tab (53) comprises an extruded portion of the wrapper (Figures 1-4). It would have been obvious to one having ordinary skill in the art in view of Honma'718 and Rosenberg'188 to modify the wrapper of Nakamura so the perforation includes a pull-tab and the pull-tab includes an extruded portion of the wrapper to facilitate splitting the wrapper. It also would have been obvious to one having ordinary skill in the art in view of Seki to modify the wrapper of Yamamoto or Nakamura so the placement indicator comprises a label to provide more convenience for the user.

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As to claims 6, 8, 12, 33 and 35, to the extent that Nakamura fails to disclose the placement indicator comprises the label (59) for indicating a desired orientation of a nap of the media, it would have been obvious to one having ordinary skill in the art at the time the invention was made in view of Nakamura to use the label for indicating a desired orientation of a nap of the media to provide more convenience for the user.

As to claims 7 and 34, Nakamura fails to show the placement indicator comprises a seam of the wrapper. Honma'718 shows the wrapper includes a seam (15). It would have been obvious to one having ordinary skill in the art in view of Honma'718 to modify the placement indicator of Nakamura so the placement indicator comprises a seam because the selection of the specific indicator as claimed would have been an obvious matter of design choice inasmuch as the resultant structures will work equally well and inasmuch as applicant's specification does not state that using these specific shapes as claimed solves any particular problem or yields any unexpected results.

Response to Arguments

Applicant's arguments with respect to 5/19/2005 have been considered but are deemed to be moot in view of the new grounds of rejection.

The claims appear to have merely combined a number of desirable prior art features each doing in the combination that for which it was already well known in the prior art.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is (571) 272-4552. If in receiving this Office Action, it is apparent to Applicant that certain documents are missing from the record for example copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to Ms. Errica Miller at (571) 272-4370.

Any inquiry of a general nature or relating to the status of this application should be directed to the Customer Service whose telephone number is (703) 306-5648. Facsimile correspondence for this application should be sent to (703) 872-9306 for Formal papers and After Final communications.

lkb
June 5, 2005

A handwritten signature in black ink, appearing to read 'Luan K. Bui', with a long horizontal stroke extending to the right.

Luan K. Bui
Primary Examiner